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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,471	07/20/2001	Jeffrey K. Wilkins	WIL-102	1749
30869	7590	12/20/2005	EXAMINER	
LUMEN INTELLECTUAL PROPERTY SERVICES, INC. 2345 YALE STREET, 2ND FLOOR PALO ALTO, CA 94306			BORISSOV, IGOR N	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/910,471	Applicant(s) WILKINS ET AL.	
	Examiner Igor Borissov	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 18-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 18-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/22/2005 has been entered.

Response to Amendment

Amendment received on 9/22/2005 is acknowledged and entered. Claims 16-17 and 33-84 have been previously canceled. Claims 1 and 30 has been amended. Claims 1-15 and 18-32 are currently pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-11, 13-14, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (US 6,338,067) in view of Wical (US 6,061,675) and further in view of Maxey (US 5,590,320).

Baker et al. (hereinafter Baker) teaches a method for searching a structured database containing information (*files*) related to various entities, comprising:

As per **claim 1**, searching said database over the Internet to identify and obtain information related to a company management record, management title record, management background, contact names, including addresses, telephone and fax

numbers, web site and email addresses (Fig. 2; C. 3, L. 25-28; C. 6, Table II; C. 7, L. 25-41). Various types of information are relationally linked across the Internet, and accessible to a user over the net by querying key terms (individual data items) (C. 2, L. 3-16).

However, Baker does not specifically teach that said querying key terms includes parsing technique; determining a context; evaluating a current and historic relationship between said name and said title; and selecting most current said title and said associated name based on said evaluated current and historic relationship.

Wical teaches a method for classifying terminology utilizing a structured database, wherein a parsing technique is employed, and wherein valuing of terms (verbs) and selection of appropriate terms is conducted based on a verb tense. Specifically, Wical teaches: "Returns the verb tense for the word being pointed to. Only 'past' and 'present' are valid" (C. 78, L.13-14).

Maxey teaches a method for computer file directory, wherein a plurality of data files are provided, each file is time stamped when it is modified, and wherein during searching routine for the particular file it is ensured that only the latest version of each file is obtained (Fig. 5, items 167, 169, 175 and 179; C. 7, L. 28-30; C. 1, L. 37-38).

It would have been obvious to one having ordinary skill in the art to modify Baker to include parsing the quires for key terms, and evaluating a past tense relationship of the extracted information, as disclosed in Wical, because it would advantageously permit a detailed and in-depth coverage of specific concepts contained in a particular data structure, as well as the best mode of utilization information, as specifically stated in Wical (C. 2, L. 19-21).

And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Baker and Wical to include that the selected data is the most current data as disclosed in Maxey, because it would advantageously allow to provide user with the latest version of the requested files, as specifically stated in Maxey.

Information as to "*senior*" does not affect the method steps disclosed, and, therefore, is given no patentable weight. The method steps, disclosed in Baker in view

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of Wical would be performed the same regardless whether said management record relates to senior management or just management. MPEP 2106 (II) (C) states:

"Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation."

As per **claims 5-10**, obtaining said information over the Internet indicates accessing websites (Baker; C. 3, L. 25-26). Information as to "*corporate*", "*magazine*", "*newspaper*", "*press release*", "*professional*" and/or "*association*" web sites is non-functional language and given no patentable weight. Non-functional descriptive material cannot render non-obvious an invention that would otherwise have been obvious. See: *In re Gulack* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) *In re Dembiczak* 175 F.3d 994, 1000, 50 USPQ2d 1614, 1618 (Fed. Cir. 1999). The specific example of non-functional descriptive material is provided in MPEP 2106, Section VI: (example 3) a process that differs from the prior art only with respect to non-functional descriptive material that cannot alter how the process steps are to be performed. The method steps, disclosed in Baker and Wical would be performed the same regardless of the type or content of web sites.

As per **claim 11**, obtaining said information over the Internet obviously indicates using a publicly accessible search engine (Baker; C. 3, L. 25-26).

As per **claims 13-14**, see reasoning applied to claim 1.

As per **claims 1, 29 and 31**, see reasoning applied to claim 1.

Claims 2-4, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Wical, further in view of Maxey and further in view of Johnson et al. (US 6,553,385).

As per **claims 2-4**, Baker, Wical and Maxey teach all the limitations of claims 2-4, including storing web site addresses of accessed files (C. 6, Table II), except evaluating a confidence level of the results of the search.

Johnson et al. (herein after Johnson) teaches a method and system for information extraction from documents, wherein a confidence measurement is applied to the search results (C. 10, L. 20-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Baker and Wical to include evaluating a confidence level of the results of the search, because it would allow to determine which searching technique is the most accurate, thereby enhance the performance of the system.

As per **claims 30**, Baker teaches a system for searching a structured database containing information (*files*) related to various entities, comprising:

means for searching said database over the Internet to identify and obtain information related to a company management record, management title record, management background, contact names, including addresses, telephone and fax numbers, web site and email addresses (Fig. 2; C. 3, L. 25-28; C. 6, Table II; C. 7, L. 25-41); and means for accessing various types of information over the net by querying key terms (individual data items), wherein said various types of information are relationally linked across the Internet (C. 2, L. 3-16).

However, Baker does not specifically teach that said means for querying key terms includes parsing technique means; means for determining a context; means for evaluating a current and historic relationship between said name and said title; and means for selecting most current said title and said associated name based on said evaluated current and historic relationship. Also, Baker does not teach integrity evaluation means for determining whether said obtained information is valid.

Wical teaches a method and system for classifying terminology utilizing a structured database, wherein a parsing technique is employed, and wherein valuing of terms (verbs) and selection of appropriate terms is conducted based on a verb tense. Specifically, Wical teaches: "Returns the verb tense for the word being pointed to. Only 'past' and 'present' are valid" (C. 78, L.13-14).

Maxey teaches a method and system for computer file directory, wherein a plurality of data files are provided, each file is time stamped when it is modified, and

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wherein during searching routine for the particular file it is ensured that only the latest version of each file is obtained (Fig. 5, items 167, 169, 175 and 179; C. 7, L. 28-30; C. 1, L. 37-38).

Johnson teaches a method and system for information extraction from documents, including means for confidence (*integrity*) measurement of the search results (C. 10, L. 20-22).

It would have been obvious to one having ordinary skill in the art to modify Baker to include parsing the quires for key terms, and evaluating a past tense relationship of the extracted information, as disclosed in Wical, because it would advantageously permit a detailed and in-depth coverage of specific concepts contained in a particular data structure, as well as the best mode of utilization information, as specifically stated in Wical (C. 2, L. 19-21).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Baker and Wical to include that the selected data is the most current data as disclosed in Maxey, because it would advantageously allow to provide user with the latest version of the requested files, as specifically stated in Maxey.

And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Baker, Wical and Maxey to include means for evaluation of the integrity level of the obtained information, as disclosed in Johnson, because it would advantageously allow to determine which searching technique is the most accurate, thereby enhance the performance of the system.

Information as to "*senior*" does not affect the method steps disclosed, and, therefore, is given no patentable weight. The method steps, disclosed in Baker in view of Wical would be performed the same regardless whether said management record relates to senior management or just management. MPEP 2106 (II) (C) states: "Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation."

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As per **claim 32**, see reasoning applied to Claim 30.

Claim 12 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Wical, further in view of Maxey and further in view of Lawrence et al. (US 6,289,342).

As per **claim 12**, Baker, Wical and Maxey teach all the limitations of claim 12, including obtaining said information over the Internet (Baker; C. 3, L. 25-26), except specifically teaching using a custom designed spider.

Lawrence et al. (hereinafter Lawrence) teaches autonomous citation indexing and literature browsing using citation context, wherein a "crawler" (*spider*) module is employed (C. 7, L. 29-35).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Baker, Wical and Maxey to include that said information was obtained using a spider, as disclosed in Lawrence, because it would advantageously allow to automatically recognize and evaluate variant forms of citations to the same publication, as specifically stated in Lawrence (C. 5, L. 59-60).

Information as to "*custom designed*" spider does not affect the method steps disclosed, and, therefore, is given no patentable weight. The method steps, disclosed in Baker in view of Wical would be performed the same regardless whether said step of *locating said files using a spider* is performed by a "*custom designed*" spider, or just spider. MPEP 2106 (II) (C) states: "Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation."

Also, Lawrence teaches:

As per **claims 18-19**, using identifiers to locate said data (C. 8, L. 65 – C. 9, L. 28).

As per **claims 20-21**, rating said business data (C. 11, L. 8-9).

As per **claim 22**, using inclusion and exclusion characteristics to extract said business data (C. 12, L 7-11).

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As per **claim 23**, normalizing said business data (C. 12, L. 7-23; C. 14, L. 29-67).

As per **claim 24**, eliminating duplicate sets of business data (column 8, lines 8-9).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Wical, further in view of Maxey and further in view of Maddalozzo, Jr. et al. (US 6,460,060).

As per **claim 15**, Baker, Wical and Maxey teach all the limitations of claim 15, except that said files are located using a previously generated list of said files.

Maddalozzo, Jr. et al. (hereinafter Maddalozzo) teaches a method and system for searching web browser history, wherein searching for files over the Internet is based on the previously generated list of said files (C. 2, L. 37-45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Baker, Wical and Maxey to include that searching for files over the Internet is based on the previously generated list of said files, as disclosed in Maddalozzo, because it would advantageously allow to save time during browsing the "favorite" sites, thereby make the browsing convenient to users.

Claims 25-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Wical, further in view of Maxey and further in view of Yong (US 6,560,606).

As per **claims 25-26 and 28**, Baker, Wical and Maxey teach all the limitations of claims 25-26 and 28, except extracting date or time stamps of said files containing said information.

Yong teaches a method and system for processing of metered data, including extracting time stamps of the located files (C. 7, L. 48-49).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Baker, Wical and Maxey to include extracting time

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stamps of the located files, as disclosed in Yong, because it would advantageously allow to differentiate fees for using said system in accordance with peak hours, thereby providing billing flexibility to the users.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Wical, further in view of Maxey, further in view of Yong and further in view of Maddalozzo, Jr. et al.

As per **claim 27** Baker, Wical, Maxey and Yong teach all the limitations of claim 27, except that said files are located using a previously generated list of said files.

Maddalozzo teaches a method and system for searching web browser history, wherein searching for files over the Internet is based on the previously generated list of said files (C. 2, L. 37-45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Baker, Wical, Maxey and Yong to include that searching for files over the Internet is based on the previously generated list of said files, as disclosed in Maddalozzo, because it would advantageously allow to save time during browsing the "favorite" sites, thereby make the browsing convenient to users.

Response to Arguments

Applicant's arguments with respect to Claims 1-15 and 18-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

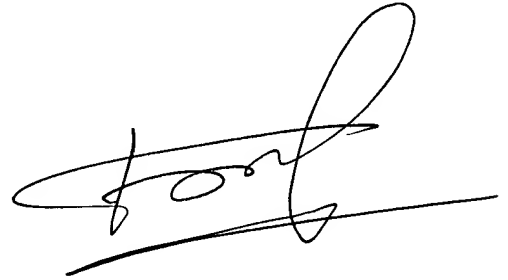
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Igor Borissov
Patent Examiner
Art Unit 3639

A handwritten signature in black ink, appearing to read 'Igor', with a long horizontal stroke extending to the right.

IB

12/11/2005